

EXHIBIT D

STATE OF ILLINOIS)

) SS:

ORIGINAL

COUNTY OF C O O K)

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ILLINOIS

EASTERN DIVISION

CHARLES BOYLE,)

Plaintiff,)

Vs.) No. 09 C 1080

UNIVERSITY OF CHICAGO)

POLICE OFFICER LARRY TORRES,)

ET AL,)

Defendants.)

The discovery deposition of ARTHUR GILLESPIE, taken in the above-entitled cause, before Angela C. Loisi, a notary public of Cook County, Illinois, on the 25th day of November, 2009, at the hour of 1:16 p.m. at 222 North LaSalle, Suite 300, Chicago, Illinois, pursuant to notice.

(Proceedings ended at

2:24 p.m.)

Reported by: Angela C. Loisi, CSR, RPR

License No: 084-004571

1

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8

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15 Chicago;

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21 **BY: MS. HELEN GIBBONS**

22 Representing the Chicago Police

23 Officers, Darling and Martin;

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I N D E X

WITNESS	EXAMINATION
ARTHUR GILLESPIE	
By Mr. Ksiazek	4
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By Mr. Ksiazek (further)	53
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E X H I B I T S

NUMBER	MARKED FOR ID
(No Exhibits Marked.)	

1 (Whereupon, the witness was
2 duly sworn.)

3 ARTHUR GILLESPIE,

4 Having been first duly sworn, was examined and
5 testified as follows:

6 EXAMINATION

7 BY MR. KSIAZEK:

8 Q. Can you please state your name for the
9 court, spelling the last for the record?

10 A. Sure. Arthur Gillespie spelled -- last
11 name, G-I-L-L-E-S-P-I-E.

12 Q. Sure.

13 Officer Gillespie, have you ever had
14 your deposition taken before?

15 A. No.

16 Q. Okay. I'm just going to explain a few
17 ground rules about the deposition.

18 My name is Jonathan Ksiazek, and I
19 represent the plaintiff in this matter.

20 Basically we have you here today because
21 we're going to ask you some questions about an
22 incident that happened on October 18, 2008. So
23 I'm going to ask you some questions.

24 If at any point you don't understand any

4

1 of my questions, just go ahead and ask me to
2 rephrase or repeat the question, I will go ahead
3 and do that for you, okay?

4 A. Yes.

5 Q. But if you do answer my question, we
6 will all assume that you did understand the
7 question and what I'm asking you, okay?

8 A. Okay.

9 Q. Great.

10 And when you do answer the questions,
11 make sure to answer out loud.

12 A. Uh-huh.

13 Q. Like you're doing, yes or no.

14 A. Yes, okay.

15 Q. Instead of saying mm-hmm or nuh-huh.

16 A. Okay. Yes.

17 Q. Okay. And if you ever need to take a
18 break at any point, just make sure that you give
19 an answer to my question before asking for a
20 break.

21 A. Yes, yes.

22 Q. And one other thing: In order for the
23 transcript to come out properly --

24 A. Uh-huh.

1 Q. -- I will do my best to not talk over
2 you, and I would just ask that you do the
3 same --

4 A. Yes, sir.

5 Q. -- so we don't talk over each other,
6 okay?

7 A. Yes, sir.

8 Q. And you realize that you are under oath
9 today?

10 A. Yes.

11 Q. Okay. And did you review any documents
12 in preparation for your deposition today?

13 A. Just my interrogatories.

14 Q. Is there anything preventing you from
15 testifying truthfully today?

16 A. No.

17 Q. Okay. Just to ask you a few questions
18 about your educational background, where did you
19 go to school?

20 A. How far back do you want me to go?

21 Q. Did you go to college?

22 A. Yes.

23 Q. Okay. Where did you go to college?

24 A. Southern Illinois University.

1 Q. And when did you graduate from
2 Southern --

3 A. I didn't.

4 Q. Okay. When was the last time that you
5 attended college of Southern Illinois
6 University?

7 A. That would have been 1989.

8 Q. How many years did you attend Southern?

9 A. I was there actually for four years.

10 Q. Okay. And what degree were you seeking?

11 A. Communications.

12 Q. Okay. Did you go to any other colleges
13 besides Southern Illinois University?

14 A. I've done some coursework at Daley
15 College as well.

16 Q. When did you do that coursework?

17 A. Let's see. I'd say between 2006 and
18 2008.

19 Q. And why were you taking those courses at
20 Daley College?

21 A. Working towards finishing up a law
22 enforcement degree, two-year law enforcement
23 degree.

24 Q. Do you have a law enforcement degree

1 today?

2 A. No, not currently.

3 Q. Are you still working towards law --

4 A. Yes, I am, yes.

5 Q. Okay. Are you still attending Daley
6 College or --

7 A. Actually, I have one more course to
8 finish with them before obtaining that degree.
9 So I am looking to try and match my schedule so
10 I can finish the course.

11 Q. Sure. How long have you -- as of
12 today's date, how long have you worked for the
13 University of Chicago Police Department?

14 A. As of today's date, just going to be
15 short of -- I'm sorry, two years. Two years in
16 February, so that's one year...

17 Q. One year and nine months?

18 A. Nine months yeah, right, yeah.

19 Q. And in October of 2008 how many months
20 have you been working for University of Chicago
21 Police Department?

22 A. At that time I believe just seven --
23 seven plus months.

24 Q. Okay.

1 A. Between seven and eight months.

2 Q. Before working for the University of
3 Chicago Police Department, have you ever worked
4 for any other police departments?

5 A. No.

6 Q. What job did you hold prior to working
7 for the University of Chicago?

8 A. Prior to the University of Chicago I
9 worked with the City of Chicago Department of
10 Aviation.

11 Q. How long did you work there for?

12 A. I worked there just about four years.

13 Q. Okay. And what made you want to work
14 for the University of Chicago Police Department?

15 A. Excuse me. I've also wanted to work for
16 a police department. So I had an opportunity to
17 go to the police academy and seek certification
18 required to work for the university.

19 Q. Okay. When did you go to the police
20 academy?

21 A. I was in the police academy in, let's
22 see, October of 2004.

23 Q. And then just to clarify, you started in
24 February of 2007 with --

1 A. University, yes, sir. February, 2007.

2 Q. Okay. And what is your current rank
3 with the University of Chicago Police
4 Department?

5 A. Patrol officer.

6 Q. And you were a patrol officer in October
7 of 2008 also?

8 A. Yes, I was.

9 Q. How tall are you, sir?

10 A. I'm 5'9".

11 Q. Okay. And how much do you weigh
12 currently?

13 A. Two twenty.

14 Q. Did you weigh about 220 pounds in
15 October of 2008?

16 A. About that, yes.

17 Q. Okay. And how old were you in October
18 of 2008?

19 A. In October of 2008 I would have been 42.

20 Q. Okay. Do you remember what your
21 assignment was with the Chicago Police
22 Department in October of 2008?

23 A. I'm sorry, with the Chicago Police
24 Department?

1 Q. I'm sorry, the University of Chicago
2 Police Department.

3 A. I believe I was Beat 103, 103.

4 Q. Actually one more question: Have you
5 ever served in the military?

6 A. No, I have not.

7 Q. Okay. Beat 103, do you know what the
8 boundaries are for that beat?

9 A. Yes, I believe the boundaries of the
10 beat -- for the beat at that time were 55th
11 Street to 47th Street and Kenbark Avenue east to
12 Lake Shore Drive.

13 Q. Okay. And what shift were you working
14 in -- I'm sorry --

15 A. I'm sorry, go ahead, go ahead.

16 Q. Okay. What shift were you working in
17 October of 2008 with the University of Chicago
18 Police Department?

19 A. I was working with the first watch.

20 Q. What were the hours that you were
21 working?

22 A. That would have been between 23:00 or
23 11:00 p.m. midnight to, let's say 23:00, 11:00
24 p.m. to 7:00 a.m., or sometimes it varied,

1 12:00 midnight to 8:00 a.m.

2 Q. Okay. Do you -- are you assigned to the
3 same beat, 103, currently?

4 A. No, I'm not.

5 Q. What beat are you currently assigned to?

6 A. Actually, I don't have a permanent
7 assigned beat. So I -- the beats rotate. They
8 vary. They rotate different assignments.

9 Q. So right now you're on a rotation?

10 A. Yes.

11 Q. Are you still working the first watch
12 shift?

13 A. No, actually I'm working -- we have had
14 some scheduling changes since that time.

15 I'm working mornings, which is actually
16 now considered to be the first watch, but the
17 time is going to be different.

18 And we're currently working 12-hour
19 shifts, so I work from 7:00 a.m. to 7:00 p.m.

20 Q. Okay. Were you driving a patrol car on
21 October 18, 2008?

22 A. Yes, I was.

23 Q. Okay. Were you working with a partner
24 in October of 2008?

1 A. No, sir, I wasn't.

2 Q. Okay. Was this a marked patrol car?

3 A. Yes, it was.

4 Q. And do you remember if on October 18,
5 2008, you were wearing a University of Chicago
6 uniform?

7 A. Yes, sir, I was.

8 Q. Can you describe the uniform for me?

9 A. At that time it was a light blue shirt,
10 dark, dark navy blue pants with a police vest.
11 Police Velcroed on the back of the vest. Police
12 star on the front of the vest.

13 Also a police hat with the university
14 police, and the university's emblem, that's it.

15 Q. Okay. Now, at some point on October 18,
16 2008, did you have the occasion to arrive at
17 1435 East 53rd Street?

18 A. Yes, sir, I did.

19 Q. Okay. Do you know what -- about what
20 time you had -- you arrived at that location?

21 A. Not exactly. It would -- I believe it
22 was between maybe 1:00 a.m., just after
23 1:00 a.m., between 1:00 a.m. and 2:00 a.m.

24 Q. Okay. And do you remember receiving

1 dispatch telling you to go to that location?

2 A. No, I don't.

3 Q. Okay. How did you come to arrive at
4 1435 East 53rd Street on that evening?

5 A. Okay. I overheard on the radio,
6 portable radio, what sounded to be an officer in
7 distress. There is a code that's used, 10-1,
8 and I heard 10-1.

9 Q. Okay. Do you remember if it was the
10 dispatch that was saying 10-1, or do you
11 remember if it was the actual officer saying
12 10-1?

13 A. I believe it was the officer that I
14 heard calling 10-1.

15 Q. Okay. And where were you when you heard
16 the officer calling 10-1 over the radio?

17 A. I can't recall specifically where I was
18 at.

19 Q. Can you recall what you were doing when
20 you got this radio?

21 A. Just routine patrol, patrolling.
22 Specifically I was driving.

23 Q. Okay. Once you got this call over the
24 radio for a 10-1 -- well actually, what did you

14

1 understand a 10-1 to mean?

2 A. I understood that to mean that an
3 officer needed assistance, immediate assistance.

4 Q. So once you got this call, what did you
5 do?

6 A. Excuse me. I attempted to -- my
7 goodness, excuse me.

8 I attempted to respond to the location.
9 I believe I attempted to get clarification from
10 the dispatch as to where the officer's last
11 location was.

12 Q. Do you remember what you said to
13 dispatch to try and get clarification?

14 A. I don't recall, no.

15 Q. Do you remember anything that dispatch
16 would have told you in response for when you
17 asked for clarification?

18 A. I believe at some point I heard the
19 address, which understandably, is the 53rd
20 Street address.

21 Q. Okay. And once you received this 53rd
22 Street address, did you head over to that
23 location?

24 A. I did.

1 Q. Okay. Do you know how long it took you
2 from where you were located when you first
3 received the 10-1 radio and when you arrived at
4 53rd Street?

5 Do you know how long it took you to get
6 there?

7 A. Yeah. I couldn't say specifically. I
8 guess it was probably between -- maybe one
9 minute, minute and a half.

10 Q. Okay. Do you remember what route you
11 took to get there?

12 A. No, I don't recall specifically what
13 route.

14 Q. And when you did arrive at 53rd Street,
15 what, if anything, did you see?

16 A. When I arrived -- excuse me, I observed
17 two officers, what I believe -- I believe it was
18 two officers in the struggle with who I now know
19 to be, I believe, Mr. Boyle.

20 Q. Mr. Boyle.

21 A. Mr. Boyle.

22 Q. Okay. You said you saw two officers?

23 A. I believe it was two. I'm not for
24 certain.

1 Q. Do you know how many police cars you saw
2 on the scene, whether University of Chicago or
3 Chicago Police Department, when you first
4 arrived?

5 A. No, I can't say for certain. I believe
6 I saw Officer Torres and Officer Moore's
7 vehicle, I believe they were riding together.

8 But my attention was solely focused on
9 the confrontation.

10 Q. Did you know when you first arrived at
11 the scene that it was Officer Torres and Officer
12 Moore's vehicle?

13 A. Yes.

14 Q. Okay. How did you know that?

15 A. They were -- I assume that because they
16 were -- they were on the scene -- on the scene
17 one -- other than those two on the scene, so I
18 assume that to be their vehicle.

19 Q. Okay. And you recognize them
20 immediately --

21 A. Yes.

22 Q. -- once you were --

23 A. Mm-hmm.

24 MR. PUISZIS: You have to make sure he

1 finishes his question --

2 THE WITNESS: Okay. I'm sorry.

3 MR. PUISZIS: -- before you answer.

4 THE WITNESS: Okay. I'm sorry.

5 BY MR. KSIAZEK:

6 Q. Did you see a silver Chrysler vehicle
7 located near where Officer Torres and Officer
8 Moore were?

9 A. No, sir, I don't recall seeing that.

10 Q. You said that Officer Torres and Officer
11 Moore were struggling with Officer Boyle?

12 A. That's what appeared to be the case to
13 me, yes.

14 Q. Can you describe how Officer Torres and
15 Moore were struggling with Mr. Boyle?

16 A. There appeared to be thrashing, they
17 were attempting to handcuff, and I remember
18 hearing: Stop resisting.

19 I observed Mr. Boyle fighting, his arms
20 moving about attempting to push the officers
21 away from him.

22 Q. Okay. When you first arrived on the
23 scene, where were Officer Moore and Officer
24 Torres located in relation to Mr. Boyle?

1 A. I want to say they could have been on
2 either side of him, one on his right and one on
3 his left, I believe.

4 Q. And what was Mr. Boyle doing, if
5 anything, when Officer Torres and Officer Moore
6 were on his left and right?

7 MR. PUISZIS: Objection, asked and answered,
8 but you can go ahead and answer again.

9 THE WITNESS: Again, I believe you will
10 see -- well, he was thrashing. He was thrashing
11 about.

12 He was -- his arms were moving. He was
13 pushing. He was resisting being put -- having
14 his arms put behind him.

15 BY MR. KSIAZEK:

16 Q. So when you saw Mr. Boyle resisting and
17 having his arms thrashing and put behind him,
18 what, if anything, did you do at that point?

19 A. I rushed over to their location to
20 provide assistance.

21 Q. Now, at this point when you first got
22 out of your car, what, if anything, did you know
23 besides the 10-1 that an officer needed
24 assistance?

1 A. I didn't know -- I didn't know if -- I
2 didn't know if they were struggling for a
3 weapon. I didn't know -- I didn't know
4 anything.

5 Q. Okay. They were attempting to handcuff
6 him you said?

7 A. Yes. I remember hearing: Place your
8 arms behind you back, and stop resisting. And
9 so...

10 Q. Did -- when the officers -- actually,
11 who was saying put your arms behind your back,
12 was it Officer Torres or Officer Moore?

13 A. I heard stop resisting from, I believe
14 it to be both of them at different points.

15 Q. Do you know who actually said it first?

16 A. No, I can't recall.

17 Q. Did Officer Torres and Officer Moore
18 actually have their handcuffs out?

19 A. I can't recall if I saw them at that
20 point.

21 Q. But they were trying to put his hands
22 behind his back?

23 A. Yes, they were.

24 Q. Okay. And at what point did you

1 actually get out of your car, was it when his
2 hand -- were his hands already behind his back
3 when you got out of his car -- when you got out
4 of your car?

5 A. No, it was at the point that I saw them.
6 When I arrived on the scene I made visual
7 contact with them, saw that they were thrashing
8 about, exited my vehicle and went over.

9 Q. And what did you do to help assist
10 Officer Torres and Officer Moore?

11 A. I made physical contact with the three
12 of them. I believe at that point we all three
13 fell to the ground.

14 Q. Okay. When you say physical contact,
15 what exactly do you mean?

16 A. Well, my hands actually touched
17 Mr. Boyle in attempting to try to help Officer
18 Torres and Officer Moore to get his arms in a
19 position that we could put handcuffs on him.

20 Q. Where on Mr. Boyle's body did your hands
21 touch him?

22 A. I don't recall specifically where.

23 Q. Let me ask you this: Was Mr. Boyle
24 facing you as you approached him?

1 A. I don't recall.

2 Q. And do you know if Officer Moore and
3 Officer Torres were facing you when you first
4 got out of your car?

5 A. No, they were facing him more so than
6 me.

7 Q. So were their backs to you?

8 A. No, I can't recall that. I could -- no,
9 no, I don't recall seeing the backs, no.

10 Q. Okay. How did -- you said the three
11 of -- you made the contact with the three of
12 them, and all four of you went down to the
13 ground?

14 A. Yes, I believe my momentum from running,
15 running over caused us to fall to the ground.

16 Q. And you had your hands out while you
17 were running?

18 A. Yes, yes, I did.

19 Q. Can you describe how -- and all four of
20 you fell to the ground, right?

21 A. Yes.

22 Q. Okay. Can you describe how all four of
23 you fell to the ground?

24 I know you already testified that you

1 were running and all of you sort of fell.

2 Can you sort of just tell me how the
3 bodies fell onto the ground once you were all
4 going down?

5 A. Yeah, I couldn't say for certain how we
6 all fell, what positions we were in at that
7 point.

8 I just -- yeah, I just can't recall
9 specifically where we were when we initially
10 made contact with the ground.

11 Q. And you didn't have your handcuffs out
12 at this point or anything?

13 A. Not at that point, no.

14 Q. What position did you find yourself in
15 once you were actually on the ground?

16 A. I was in a position where I was by
17 Mr. Boyle's legs, legs and feet.

18 Q. And do you know how you ended up by
19 Mr. Boyle's legs and feet?

20 A. No, I can't say for certain. Just after
21 falling, that's just where -- when I kind of
22 regained my sense of bearing that's where I
23 found myself.

24 Q. Now, when you fell, you've told me that

1 you saw a car that you thought was Officer
2 Torres and Officer Moore's, right?

3 A. I believe I did, right, yes.

4 Q. When you fell, do you know how far away
5 you were from Officer Torres and Officer Moore's
6 car?

7 A. No, sir. I can't say for certain, no.

8 Q. Do you know if you were close to any
9 other cars besides Officer Torres and Officer
10 Moore's car?

11 A. Again, no. I can't say. I was just
12 more focused with trying to maintain control of
13 the situation there.

14 Mr. Boyle was fighting about pretty
15 extensively. So I was just trying to maintain
16 control and help out, bring some order to that
17 situation.

18 Q. Where did you park your car in relation
19 to Officer Torres and Officer Moore's car?

20 A. I believe I -- my part -- my vehicle
21 would have been parked on 53rd Street. I can't
22 recall if I was just east or west of Blackstone,
23 but I was facing westbound.

24 Q. Do you know how far away you parked from

1 Officer Moore and Officer Torres' car?

2 A. No, I can't recall.

3 Q. Did you park in an angle, or do you know
4 if you parked straight ahead?

5 A. I believe I -- I believe I parked
6 straight ahead, possibly along the curb.

7 Q. Okay. So when -- yourself is on the
8 ground -- when you're on the ground, where, if
9 you can remember, were Officer Torres and
10 Officer Moore?

11 A. They were, in relation to me, more so
12 towards Mr. Boyle's upper torso and his upper --
13 along his upper body.

14 Q. And once the four of you fell to the
15 ground, what, if anything, happened?

16 A. We continued to -- well, I continued to
17 hear the orders to stop resisting, give me your
18 hands.

19 They continued to struggle with him up
20 top. I -- we were trying to communicate with
21 each other to try to work in unison.

22 I made the decision to try and keep his
23 legs still, keep them from moving about.

24 Q. Okay. Going back to when you first

1 arrived at the scene, did you hear Mr. Boyle say
2 anything to Officer Torres and Officer Moore?

3 A. I can't recall, no, no, I didn't.

4 Q. Okay. And when you fell to the ground,
5 did you hear Mr. Boyle say anything once all the
6 four of you fell, fell down?

7 A. No, I don't recall him saying anything.

8 Q. Okay. And when Officer Torres or
9 Officer Moore gave Mr. Boyle an order to stop
10 resisting, what, if anything -- and once you
11 were off the ground, what, if anything, did
12 Mr. Boyle do?

13 A. Initially while we were on the ground he
14 still continued to resist. They still struggled
15 to get him to comply with putting his arms
16 behind his back.

17 Q. Was he just resisting with his arms or
18 were --

19 A. No, he was resisting with his arms and
20 his legs.

21 Q. And when you said you were trying to
22 communicate with each other, Officer Torres and
23 Officer Moore, what, if anything, were they
24 saying to you, or what were you saying to them?

1 A. I heard the two of them maybe mention --
2 grabbed his arm, grab his arm. I remember
3 saying I got his legs, I will hold his legs.

4 Q. Anything else?

5 A. No.

6 Q. Okay. Did any of the University of
7 Chicago officers who were there, and yourself,
8 Officer Torres, Officer Moore, have their
9 handcuffs out at that point?

10 A. I don't recall. I can't recall. I
11 don't recall seeing anything specifically, the
12 handcuffs specifically.

13 Q. And while you were holding his legs,
14 what, if anything, happened?

15 A. Well, while I was holding his legs, at
16 some point he kicked away, which actually kicked
17 and made contact with the right side of my face.

18 My glasses were thrown from my face,
19 broke the glasses, the frames were mangled and
20 the lenses popped out of them.

21 Q. Do you know which foot they kicked you
22 with, was it the right or the left?

23 A. No, I couldn't say for certain.

24 Q. But he did make contact with the right

1 side of your face?

2 A. Yes.

3 Q. And did you see how far your glasses
4 actually flew off your face?

5 A. No, sir, I couldn't say for certain.

6 Q. Were you actually injured as a result of
7 this kick?

8 A. Well, I was hurt. I was -- just like
9 slight bruising. But I didn't think I required
10 medical attention.

11 Q. Was this the only time that Mr. Boyle
12 kicked you?

13 A. Yes.

14 Q. Okay. And after your glasses had been
15 kicked off your face, what, if anything, did you
16 do?

17 A. Well, from the force of a kick, I was
18 kind of thrown clear a little bit. I re-engaged
19 at the legs and continued to try and hold him in
20 place while the officers up top attempted to
21 cuff him, handcuff him.

22 Q. Now, at any point before your glasses
23 had been kicked off your face, did you see any
24 other University of Chicago officers on the

1 scene?

2 A. I -- I can't say for certain who was
3 there other than Moore and Torres at that point.

4 Q. Okay. So just to clarify, you think it
5 was yourself, Moore and Torres when you were
6 kicked in the face?

7 A. I believe at that point, yes. Yes,
8 that's what I believed at that point. I didn't
9 know if anyone else was there.

10 I didn't take my hands off of -- or my
11 eyes, I should say, off of the area, the area I
12 was trying to control there.

13 And once my glasses were off, I just
14 really tried to focus on keeping his legs in
15 place.

16 Q. Okay. Are you nearsighted or
17 farsighted?

18 A. I have to see things, have to be fairly
19 close.

20 Q. Sure. So if your glasses got kicked off
21 your face, you can't see things far distances?

22 A. Far away, yes, sorry.

23 Q. Now, what point did you first see other
24 University of Chicago officers arrive?

1 A. That would have been after Mr. Boyle was
2 handcuffed, and after I was able to disengage.

3 Q. Did you see who actually did handcuff
4 Mr. Boyle?

5 A. No, I never did.

6 Q. But you didn't personally, right?

7 A. No, sir, I didn't.

8 Q. Do you know how many -- do you know if
9 it was one pair of handcuffs or two pairs of
10 handcuffs that were used on Mr. Boyle?

11 A. I couldn't say for certain, no, sir.

12 Q. Did you ever give Officer Torres or
13 Officer Moore your pair of handcuffs to help
14 them --

15 A. No, sir, I didn't.

16 Q. Okay. So when -- after Mr. Boyle was
17 handcuffed, what, if anything, did you do?

18 A. Again, I disengaged. I was a bit
19 disoriented. I immediately started to look for
20 my glasses.

21 Q. Okay. So Mr. Boyle was handcuffed.

22 Did they -- did Officer Moore and Torres
23 stand him up?

24 A. I know at some point he was stood up. I

1 didn't actually see when that happened.

2 Q. Was he stood up after you disengaged?

3 A. After I disengaged, yes.

4 Q. And what do you actually mean by
5 disengaged?

6 A. I took my hands off of him. There was
7 no need for me to try and maintain control of
8 him.

9 Q. So at that point was he not struggling
10 anymore?

11 A. At that point he was not struggling
12 anymore, no.

13 Q. And when he was not struggling anymore,
14 was that when he was in the handcuffs?

15 A. I believe that because I remember
16 specifically hearing -- I believe hearing that
17 he was cuffed, and the struggle stopped.

18 Q. Do you know who actually said that
19 Mr. Boyle was cuffed?

20 A. No, I can't say for certain.

21 Q. Okay. Do you know if any other officers
22 besides yourself, Officer Torres and Officer
23 Moore helped to put Mr. Boyle into handcuffs?

24 A. I don't know for certain who actually

1 cuffed him. No, I couldn't say for certain.

2 Q. When you went to disengage and sort of
3 let go of Mr. Boyle, did you take a few steps
4 away from Mr. Boyle?

5 A. Yeah, just a couple, maybe. I was still
6 actually on my knees, just kind of setback.

7 Q. So this whole time when you were trying
8 to hold his legs together, were you on your
9 knees the whole time?

10 A. Yes.

11 Q. Okay. So when you say you fell to the
12 ground, you actually fell to your knees?

13 A. Yes.

14 Q. Okay. Did -- how long were you
15 disoriented for?

16 A. Not long, just -- I mean, the initial
17 kick probably was more so -- I would say
18 probably -- you know, 30, 40 seconds.

19 Q. And after you sort of got your bearings
20 back a little bit, what, if anything, did you do
21 at that point?

22 A. Well, once I finally recovered my
23 glasses and saw the condition they were in, I
24 believe I made contact via my radio with my

1 watch commander.

2 I let him know I was going to have to
3 try and retrieve a spare pair of glasses.

4 Q. Okay. Where -- when you took a few
5 steps away were you by a curb at that point,
6 were you in the street?

7 A. I believe I was in the street.

8 Q. And where did you find your glasses?

9 A. Not far from me, maybe a foot, foot and
10 a half away from me.

11 Q. Was that in the street or was it on the
12 sidewalk?

13 A. It was in the street.

14 Q. You said they were in pieces?

15 A. The frames were mangled and the lenses
16 were detached from the frames.

17 Q. Okay. Can you, just to the best of what
18 you remember, can you describe how the frames
19 were mangled?

20 A. They were twisted, twisted completely
21 out of shape. Arms were -- one of the arms were
22 almost broken, just kind of hanging by the
23 screw, I believe, at the hinge.

24 Q. Okay. And the -- you said the glasses

1 were out?

2 A. Yes, both of the lenses were detached
3 from the frames.

4 Q. You said both?

5 A. Yes.

6 Q. Okay. Do you know how -- so when you
7 went to pick it up, you had to pick up the frame
8 and then you picked up the two -- the lenses?

9 A. Yes.

10 Q. How far away from the actual frame were
11 the lenses located?

12 MR. PUISZIS: Objection to relevance.

13 You can go ahead and answer the
14 question, if you remember.

15 THE WITNESS: I couldn't say for certain.

16 Maybe a few inches, not much.

17 BY MR. KSIAZEK:

18 Q. Sure. Do you remember what you said to
19 dispatch about your glasses?

20 A. I believe I just -- my glasses were
21 broken.

22 Q. Do you know what, if anything, dispatch
23 said to you in response?

24 A. Dispatch, nothing in response.

1 Actually, I think I was talking to dispatch, so
2 I just communicated that to my lieutenant, my
3 watch commander.

4 Q. And who was your watch commander at that
5 time?

6 A. Lieutenant Stan White.

7 Q. And did Lieutenant White say anything to
8 you?

9 A. I believe he asked me if I had a spare,
10 or if I needed to go and get a spare, something
11 to that effect.

12 Q. Okay. After you had this conversation,
13 what, if anything, did you see that the other
14 officers were doing with Mr. Boyle?

15 A. I don't recall. I don't recall at that
16 point. I...

17 Q. Did -- was -- do you recall if any
18 Chicago Police Department officers were on the
19 scene at the point when you had this dispatch
20 conversation about your glasses?

21 A. At that point I do recall -- I believe
22 seeing some CP officers, Chicago Police
23 Department officers.

24 Q. Okay. Do you know when these CPD

1 officers first arrived?

2 A. No, I couldn't say when they first
3 arrived.

4 Q. Was that the first time that you saw
5 them right as -- after you had this conversation
6 about your glasses?

7 A. It was right -- it was after the
8 struggle. I can't recall if it was before
9 dispatch or after -- after my communication with
10 dispatch.

11 Q. Did you have any conversations -- or had
12 you had any conversations with dispatch prior to
13 talking to Lieutenant White about your glasses?

14 MR. PUISZIS: You mean that night?

15 BY MR. KSIAZEK:

16 Q. Yeah, I'm sorry. On October 18, 2008.

17 MR. PUISZIS: Well, I object because you --
18 I don't mean to be raising a speaking objection,
19 but we -- you asked previously about
20 conversations he had with dispatch around the
21 time of the 10-1.

22 So I mean, I'm not sure. You got him
23 talking to dispatch then, and you've got him
24 talking to dispatch -- you know, about the

1 glasses. I'm not sure what else you're looking
2 for.

3 BY MR. KSIAZEK:

4 Q. I am just asking if there is any other
5 conversations besides the 10-1, and when you
6 talked to dispatch about your glasses, did you
7 have any conversations with dispatch in between
8 those two conversations?

9 A. No, I don't believe so.

10 Q. Okay. Okay. Did you see Mr. Boyle be
11 put into a Chicago Police Department vehicle?

12 A. No, sir, I didn't.

13 Q. Okay. What, if anything, did you see
14 after you had this conversation with Mr. Boyle?

15 I'm sorry if I asked that already,
16 but...

17 A. I didn't see much. Actually, one side
18 disengaged, one side retrieved my broken
19 glasses. I then attempted to get back to my
20 vehicle.

21 Q. How bad is your vision actually?

22 A. Well, I don't believe it to be very bad.
23 I couldn't say for certain as far as specifics.

24 Q. Okay. Could you make out what was

37

1 actually happening at the scene?

2 A. Yes.

3 Q. Okay. Did you eventually get back to
4 your vehicle?

5 A. Yes.

6 Q. And what did you do once you got back to
7 your vehicle?

8 A. I made the determination to go the short
9 distance to our police station.

10 Q. Okay. Can you drive without your
11 glasses?

12 A. I can.

13 Q. Did you have any conversations about
14 whether or not you could drive back to the
15 station without your glasses with any of the
16 other officers at the scene?

17 A. No, I didn't. I don't recall, I don't
18 believe I did.

19 Q. Okay. Did you have any conversations
20 with any of the other officers at the scene,
21 whether it be University of Chicago officers, or
22 Chicago Police Department officers, before you
23 actually did leave the scene that night?

24 A. Actually, yeah. Before I left -- I

1 don't recall who specifically -- I mean, I think
2 a couple of guys asked about my glasses, kind
3 of riving me about them being broken, but I
4 think that was just about it.

5 Q. Did they say anything -- do you know who
6 actually was riving you about the glasses?

7 A. No, I couldn't say for certain. No, I
8 just don't recall for certain.

9 Q. Okay. And did you have any
10 conversations with any of these officers about
11 actually what happened in that incident on the
12 18th?

13 A. No, sir, no, not that -- no.

14 Q. Do you know how far it is from 53rd
15 Street where you were on 18th that night to --
16 back to University of Chicago station?

17 A. I could -- not for certain,
18 approximately maybe about four blocks, four or
19 five blocks, somewhere in that ballpark, four to
20 six.

21 Q. But right before you left, do you know
22 how many officers -- how many University of
23 Chicago officers were on the scene?

24 A. I couldn't say for certain, no. The

1 exact number, no.

2 Q. But it's more than before, just yourself
3 and Torres and Moore?

4 A. I believe it was -- yeah, it was more
5 than the four. I think some other responding
6 units may have come by.

7 Q. Do you know how many Chicago Police
8 Department officers, if any, were at the scene?

9 A. No, I couldn't say for certain, no.

10 Q. Okay. And once you got back to the
11 station, what did you do at that point?

12 A. I called home to have someone bring a
13 spare pair of glasses for me.

14 Q. Okay. Did you talk to anyone at the
15 station about what -- when you first got back
16 and made that call about your glasses, did you
17 talk to anyone about what happened on 53rd
18 Street that night?

19 A. No, sir.

20 Q. Did -- at any point later that morning
21 did you have any conversations with Officer
22 Moore or Officer Torres about what actually
23 happened that night?

24 A. No, no. I think we may have generally

40

1 just talked about the incident. The fact
2 that -- no, I'm sorry, we -- I don't recall. We
3 didn't say anything. We really didn't talk
4 about it.

5 Q. Okay. Did -- at any point later after
6 the 18th, did you have a conversation with
7 Officer Moore and Torres about it?

8 A. Just a general conversation in the --
9 when the court -- when they had to go -- the
10 court dates, and they had to go to court, but...

11 Q. Okay. And what, if anything, did they
12 say to you, or what did you say to them when
13 those court dates had come up?

14 A. They would just say specifically -- they
15 would just say in general that -- when they had
16 to go to court.

17 Never talked direct -- any detail about
18 the actual proceedings, just I am going to court
19 this day, or I am going to court for that
20 incident that happened, and that didn't happen
21 back on the 18th, nothing more than that.

22 Q. Okay. At any point did you learn who
23 actually was present from the University of
24 Chicago Police Department on October 18, 2008?

1 A. I believe -- not until the actual
2 paperwork from the reports. That's the only
3 time I really had an idea of who was all there.

4 Q. Have you seen the police report that had
5 been prepared in this case?

6 A. I don't think I looked at our police
7 report, our police report. I don't believe I
8 saw a police report. No, I didn't.

9 Q. But what do you mean the paperwork from
10 the reports?

11 A. Well, I was speaking more so about the
12 paperwork that I received from Mr. Puiszis'
13 office.

14 Q. The interrogatories?

15 A. Right, exactly.

16 Q. When -- after you got the 10-1 call and
17 headed toward 53rd Street, did you have your
18 patrol lights on?

19 A. Yes, I did.

20 Q. And you -- did you have your sirens on?

21 A. Yes.

22 Q. Did you ever take any pictures of your
23 broken glasses?

24 A. No, I haven't.

1 Q. Do you still have your glasses that were
2 broken?

3 A. No, I just replaced the model -- got the
4 old -- got a different pair.

5 Q. When did you replace the glasses?

6 A. I want to say it would have been on my
7 off day. It may have been a day or two later.
8 I am not sure when I was off after that,
9 probably within two to three days after.

10 Q. Okay. Did you actually bring the
11 glasses into the eye place where you went?

12 A. Yes, I did.

13 Q. Okay. And then did they throw the
14 glasses away, or what did they do with them?

15 A. I'm not -- I can't say for certain what
16 they did with them.

17 Q. But you actually gave --

18 A. Yes.

19 Q. Do you know what place it was?

20 A. Pearle Vision, I believe. Pearle
21 Vision.

22 Q. Okay. Do you know what town that was
23 in?

24 A. I believe Oak Lawn, I believe.

1 Q. Do you know if anyone took any pictures
2 of the glasses?

3 A. No, I don't. I don't believe anyone
4 did, no.

5 Q. Do you know if any other University of
6 Chicago officers were hurt during that
7 altercation on the 18th?

8 A. I believe Officer Gulersa (phonetic)
9 hurt his shoulder. I believe Officer Moore may
10 have hurt his wrist, but I don't know how severe
11 either injury was, or the extent of treatment
12 that they needed.

13 Q. Okay. Did you actually see Officer
14 Moore hurt his wrist?

15 A. I didn't, no.

16 Q. Did you see Officer Gulersa hurt his
17 shoulder?

18 A. No.

19 Q. Did -- while you were at the scene on
20 the 18th, did Officer Moore ever tell you, I
21 hurt my wrist?

22 A. He did not, no.

23 Q. And did Officer Gulersa ever tell you he
24 hurt his shoulder?

1 A. He didn't -- not -- no.

2 Q. Did you ever have any conversations with
3 Mr. Boyle besides what we've talked about
4 previously during that whole incident on the
5 18th?

6 A. No, sir.

7 Q. And have you ever had any complaints
8 filed against you in your duties as a Chicago
9 police officer, besides what we're here for
10 today?

11 MR. PUISZIS: Objection, irrelevant.

12 Go ahead and answer the question.

13 THE WITNESS: Yeah, I believe there have
14 been two complaints that I know of, both have
15 been unsustained or unfounded.

16 BY MR. KSIAZEK:

17 Q. Okay. Do you know what the first
18 complaint was for?

19 MR. PUISZIS: Objection, irrelevant.

20 You can go ahead and answer the
21 question.

22 THE WITNESS: The first, I believe, was an
23 incident involving a disruptive person I was
24 working in the emergency room, University of

1 Chicago Bernard Mitchell Hospital.

2 BY MR. KSIAZEK:

3 Q. Do you know when this incident occurred?

4 A. I can't recall specifically the date.

5 Q. Do you know what year?

6 A. I believe it was in 2007.

7 Q. And what happened with this disruptive
8 person at Bernard Mitchell Hospital?

9 A. I was attempting to escort her from the
10 emergency room and attempted to place her in
11 handcuffs, and I believe she complained about
12 her wrist hurting from being put in the
13 handcuffs.

14 Q. And there was an investigation that was
15 undertaken?

16 A. Yes, there was.

17 Q. Okay. And you said that this was
18 unfounded?

19 A. Yes.

20 Q. Do you know when the second complaint
21 was filed against you?

22 MR. PUISZIS: Objection, irrelevant.

23 You can go ahead and answer it.

24 THE WITNESS: Not the specific date, I

1 believe it was in 2008. No, no, sir, 2009.

2 BY MR. KSIAZEK:

3 Q. Okay. Do you know when in 2009?

4 A. I want to say maybe September.

5 Q. Okay. What happened in this complaint?

6 MR. PUISZIS: Objection, irrelevant.

7 You can go ahead and answer.

8 THE WITNESS: There was an incident with an
9 intoxicated student. And during our interaction
10 he used the "N" word.

11 He used "N" words directed towards me,
12 and I believe because our -- of our interaction
13 he -- I filed a report against him, and then he,
14 in turn, complained against me.

15 But he was expelled, and I was, I
16 believe -- I was unfounded as well.

17 BY MR. KSIAZEK:

18 Q. And so do you know what report did you
19 file against him?

20 A. I just documented -- I just documented
21 the incident.

22 Q. Okay.

23 A. A general case report.

24 Q. And this was a student you said?

1 A. Yes, at the time.

2 Q. Do you know when this complaint was
3 found to be sustained or unfounded?

4 A. I couldn't say the specific date.

5 MR. KSIAZEK: Okay. I don't think I have
6 any other questions at this time.

7 MS. GIBBONS: I have just have a few.

8 EXAMINATION

9 BY MS. GIBBONS:

10 Q. Officer Gillespie, just stepping back to
11 the incident itself, when do you first recall,
12 if at all, seeing the City of Chicago police
13 present on the scene?

14 A. Again, it was after I felt the situation
15 was...

16 THE COURT REPORTER: I'm sorry?

17 THE WITNESS: It was back when I -- when I
18 believed the situation was under control, and
19 after Mr. Boyle had been handcuffed.

20 BY MS. GIBBONS:

21 Q. So it was after the struggle?

22 A. Yes, after the struggle.

23 Q. Mr. Boyle was handcuffed.

24 Was he continuing to struggle at all at

48

1 that point?

2 A. At that point, no.

3 Q. Do you recall approximately how many
4 City of Chicago police officers were present on
5 the scene?

6 A. I couldn't say for certain. I saw at
7 least, I believe maybe three officers.

8 Q. Do you recall seeing a Chicago police
9 officer in a white shirt or a sergeant on the
10 scene?

11 A. I believe I did at one point.

12 Q. Do you know who any of the City of
13 Chicago police officers were?

14 A. That were on the scene?

15 Q. Mm-hmm.

16 A. I know them by face more so than the
17 name.

18 Q. Okay. And just to make sure I
19 understand, you don't recall seeing any City of
20 Chicago police officers while Mr. Boyle was
21 still struggling --

22 A. No.

23 Q. -- with -- the --

24 A. No.

1 Q. -- University police?

2 A. I'm sorry.

3 Q. No, that's fine. Don't worry. And I
4 keep talking in and out. So that's fine.

5 I have no further questions.

6 EXAMINATION

7 BY MR. PUISZIS:

8 Q. How was the traffic during the early
9 morning hours when this incident happened?

10 A. Minimal, very light.

11 Q. Had there been anything other than
12 minimal traffic, would you have driven your
13 squad car back to the University of Chicago
14 after this incident, given the fact that your
15 glasses were broken?

16 A. No, sir, I wouldn't have.

17 Q. Why not?

18 A. I would have just probably preferred to
19 have someone take me just to avoid any problems.

20 Q. If you would take off your glasses, how
21 far would I have to walk away, or how far could
22 you distinguish my face in terms of distance
23 from another person?

24 A. A pretty good distance. That's

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1 probably -- I estimate 20, maybe 15, 20 feet.

2 Q. Okay. Now, do you recall seeing Golarza
3 at the scene at some point during the incident?

4 A. I do after -- after -- after the
5 struggle.

6 Q. Okay. Do you know where he was while
7 the struggle was going on?

8 A. I couldn't say for certain, no.

9 Q. Okay. Do you know if he was
10 participating in the struggle?

11 A. No, I can't, I couldn't say for certain.

12 Q. Okay. By the way, did you ever hit
13 Charles Boyle?

14 A. No, I did not.

15 Q. Did you ever punch him?

16 A. No.

17 Q. Did you ever kick him?

18 A. No.

19 Q. Did you ever take out a flashlight and
20 hit him in the stomach?

21 A. No, I did not.

22 Q. Did you ever hit him with a baton?

23 A. No.

24 Q. Did you ever see any other officers do

1 any of that?

2 A. I did not see that, no.

3 Q. By the way, you guys brought -- are
4 University of Chicago officers allowed to carry
5 the big cell flashlights?

6 A. No, sir, we're not.

7 Q. And you're not allowed to carry billy
8 clubs either, are you?

9 A. No, sir.

10 Q. Did you see other car -- was there
11 another car parked on the street somewhere near
12 the officer's squad car?

13 I'm talking about Moore and Torres.

14 A. There was.

15 Q. Do you recall what kind of vehicle that
16 was?

17 A. I couldn't say for certain, no.

18 Q. Okay. Is it permissible or lawful to
19 resist any arrest?

20 A. No, sir.

21 Q. So as far as your concern when you
22 arrived at the scene, you saw Mr. Boyle
23 resisting arrest, did you believe you had
24 probable cause to place him under arrest?

1 MR. KSIAZEK: Objection.

2 BY MR. PUISZIS:

3 Q. For resisted arrest, based on your years
4 of experience and training as a Chicago police
5 officer.

6 MR. KSIAZEK: I will object for a legal
7 conclusion, but go ahead.

8 THE WITNESS: Yes, sir.

9 MR. PUISZIS: Nothing further.

10 FURTHER EXAMINATION

11 BY MR. KSIAZEK:

12 Q. You do usually carry -- what do you
13 carry on your belt when you're on patrol?

14 A. I carry currently?

15 Q. Well, in the October of 2008, excuse me.

16 A. Okay. Then firearm, flashlight,
17 handcuffs, that's it.

18 Q. Did you see any of the officers during
19 the struggle on the ground, did you see any of
20 them take out their flashlights?

21 A. I did not, no.

22 Q. You were actually the reason why the
23 four of you all went to the ground, yourself,
24 Mr. Boyle, Officer Torres and Officer Moore,

53

1 right?

2 MS. GIBBONS: Objection, vague.

3 MR. PUISZIS: Calls for a conclusion.

4 You can go ahead and answer, if you
5 know.

6 THE WITNESS: Possibly, I just can't say for
7 certain.

8 BY MR. KSIAZEK:

9 Q. Okay. But you were running towards the
10 three of them?

11 A. I was running towards them, yes.

12 MR. KSIAZEK: I don't think I have anything
13 further.

14 FURTHER EXAMINATION

15 BY MR. PUISZIS:

16 Q. Describe the flashlight for us that you
17 carried in October of 2008?

18 A. It's a plastic light, probably about
19 maybe 6 or 7 inches in length. Small --

20 Q. That wouldn't extend very far above your
21 fist, would it?

22 A. Not very far at all.

23 Q. Okay. Nothing further.

24 I'm sorry, you said it was plastic?

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1 A. Yes.

2 MR. PUISZIS: Okay. Nothing further, we'll
3 reserve.

4 THE COURT REPORTER: Would anyone like to
5 order?

6 MR. KSIAZEK: I will let you know in a few
7 days.

8 * * * FURTHER DEPONENT SAITH NOT * * *

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1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF COOK)

4 I, ANGELA C. LOISI, CSR, RPR, a notary
5 public within and for the County of Cook County
6 and State of Illinois, do hereby certify that
7 heretofore, to-wit, on the 25th day of November
8 2009, personally appeared before me at 222 North
9 LaSalle, Suite 300, Chicago, Illinois, ARTHUR
10 GILLESPIE, in a cause now pending and
11 undetermined in the Circuit Court of Cook County,
12 Illinois, wherein CHARLES BOYLE is the Plaintiff,
13 and UNIVERSITY OF CHICAGO POLICE OFFICER LARRY
14 TORRES, ET AL is the Defendant.

15 I further certify that the said witness
16 was first duly sworn to testify the truth, the
17 whole truth, and nothing but the truth in the
18 cause aforesaid; that the testimony then given by
19 said witness was reported stenographically by me
20 in the presence of the said witness, and
21 afterwards reduced to typewriting by
22 Computer-Aided Transcription, and the foregoing
23 is a true and correct transcript of the testimony
24 so given by said witness as aforesaid.

57

1 I further certify that the signature to
2 the foregoing deposition was not waived by
3 counsel for the respective parties.

4 I further certify that the taking of
5 this deposition was pursuant to Notice, and that
6 there were present at the deposition the
7 attorneys hereinbefore mentioned.

8 I further certify that I am not counsel
9 for nor in any way related to the parties to this
10 suit, nor am I in any way interested in the
11 outcome thereof.

12 IN TESTIMONY WHEREOF: I have hereunto
13 set my hand and affixed my notarial seal this 5th
14 day of January, 2010.

15
16 *Angela C. Yosi*
17 Notary Public



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